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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000676

SIPDIS

STATE FOR EAP/BCLTV, DRL, IO
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USPACOM FOR FPA

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TAGS: [ELAB](#) [PHUM](#) [PGOV](#) [BM](#) [ILO](#)

SUBJECT: ILO IN BURMA: A TREASONOUS MINION?

REF: RANGOON 538 AND PREVIOUS

Classified By: COM Carmen Martinez for Reasons 1.4 (B,D)

11. (C) Summary: ILO's man in Rangoon briefed diplomats on ambiguous news from Burma's Supreme Court, increased forced labor reports, and the GOB's inadequate responses. All of these issues will be discussed in Geneva on June 5th in the context of the ILO's postponed timetable for a Plan of Action for Burma. At this point we think it premature to support resuming the Plan. End summary.

Guilty, But Not as Charged

12. (C) The ILO's Liaison Officer Richard Horsey briefed the Rangoon diplomatic community, including the COM, on May 25th on a wide array of labor and human rights issues. On the matter of the three individuals sentenced for, among other things, having in their possession public ILO documents and a ILO business card (reftel), Mr. Horsey indicated that the ILO was not at all pleased by the special two-judge Supreme Court panel's recent decision to uphold the conviction but reduce the sentences. He said that the decision, of which he'd only seen an informal version, did not specifically reject the lower court's identification of the possession of ILO materials as treasonous. He also said there was concern because the Panel's decision identified the Thailand-based Free Trade Unions of Burma (FTUB) as a treasonous organization and thus, by extension, all those who contacted the FTUB could be guilty of treason or conspiracy. Horsey noted that the head of the FTUB, U Maung Maung (son of NLD Central Executive Committee member Nyunt Wei), had previously been found guilty of treason in absentia and that the court was citing contact of any kind with U Maung Maung as treasonous.

13. (C) Mr. Horsey said that he and the ILO facilitator-designate in Burma, Mr. Leon de Reidmatten, had re-visited on May 25th the three convicts in Insein Prison. The prisoners reported that they had not been given access to their lawyers to request an appeal. (Note: under Burmese law they can appeal their case to the full Supreme Court and then to the head of state.) Horsey said the ILO planned to contact the attorneys forthwith to pass on this request.

Complaints Up, Responses Down

14. (C) Turning to broader ILO operations in Burma, Mr. Horsey said that ILO officials could travel freely and had regular and cordial meetings with the Labor Minister U Tin Win. He said that he was encouraged by the increasing number of incident reports that individuals were filing with the ILO office in Rangoon. These allegations were coming in mostly from the Rangoon area, but also from other corners of the country, and were being made by activists but also by villagers. The ILO had received about 40 reports since January 2004, with 30 coming since March (following the initial news of death penalty sentences for the ILO contacts). Mr. Horsey said that after initial review he had passed 22 of these cases onto the GOB for action. Encouragingly, Horsey reported, the GOB had taken rapid and effective action on the first few cases -- in two cases returning child soldiers to their families and in another case firing a local official overseeing forced labor. However, even while the GOB was taking appropriate action, in its official replies to the ILO the GOB has thus far denied finding any evidence to back up the complaints.

15. (C) After its initial burst of activity, the GOB has been less responsive on more recent cases. Horsey said he had heard no response on any of the last 15 allegations forwarded for action. Horsey hypothesized that this could be an honest oversight, due to a sore lack of investigative capacity. However, he admitted he had no way to know for sure.

Whither the Plan of Action?

16. (C) Mr. Horsey canvassed the assembled diplomats (from the UK, Italy, France, Germany, Australia, Japan, South Korea, and the United States) regarding the ILO Applications Committee's discussion in Geneva on June 5th of Burma and its postponed Plan of Action. None actively supported a quick

reinstatement of the Plan's timetable. The Chief of Mission stressed that there were few signs of positive action by the GOB since the last deliberation in March and the recent decline in the quantity and quality of the GOB response to complaints was cause for caution, as the GOB would read implementation of the plan of action now as blessing their response (or lack thereof). Mr. Horsey agreed, but said the ILO would be encouraged if, by June 5th, the GOB publicly announced that the Supreme Court had agreed to hear the appeals of the three convicted for their ILO ties. Ultimately, he said, the ILO would not be satisfied unless the GOB released the two individuals now convicted of conspiracy and reduced further the sentence of the individual convicted of treason to one of possession of an illegal satellite phone.

Comment: No Goodwill, No Support

17. (C) Given the ILO rep's less than upbeat briefing, it seems premature to discuss a return to the proposed timetable for implementing the Plan of Action. Though it's good news that people feel more comfortable to approach the ILO with complaints, the GOB still appears to lack commitment to addressing this issue. Resolving complaints quietly is not the same as publicly admitting a case of forced labor and prosecuting the offender. Also, as the ILO here rightly points out, the cases of the ILO contacts are far from satisfactorily resolved. Though the courts, and thus the SPDC, have moved off their untenable death sentence position, they are still poised to criminalize contact with the primary representative of Burma's disbanded labor unions and leave unresolved the legal status of contact with the ILO. End comment.
Martinez